IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.3.2006

CORAM:

THE HONOURABLE MR.JUSTICE P.SATHASIVAM
and
THE HONOURABLE MR.JUSTICE J.A.K.SAMPATHKUMAR

W.A.No.1726 of 2001
....

M.Thirunavukkarasu ... Appellant

vs.

1. The State of Tamilnadu
   rep. by its Secretary,
   Adi Dravidar & Tribal Welfare Dept.,
   Fort St. George, Chennai-9.

2. The Collector,
   Coimbatore District,
   Coimbatore. ... Respondents.

W.A. filed against the order dated 26.4.2000 made in W.P.No.2745 of 2000 on the file of this Court.

For appellant : Mr.M.Jayaraman
For respondents: Mr.R.Vijayakumar, G.A.

....

JUDGMENT

(Delivered by P.SATHASIVAM,J.)

The writ appeal has been filed against the order of the learned Single Judge dated 26.4.2000 made in W.P.No.2745 of 2000 on the file of this Court.

2. For convenience, we shall refer the parties as arrayed in the writ petition.

3. Aggrieved by the proceedings of the Collector, Coimbatore in ந.க.149342/92,ஓள/3, dated 25.3.1999 cancelling the community certificate issued by the Tahsildar, Coimbatore South in Va.No.1834 dated 14.7.1992 in favour of the petitioner certifying that he belongs to Hindu Adi Dravidar.

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4. It was contended before the learned Single Judge that though the District Collector heavily relied on the enquiry report of the Revenue Divisional Officer, a copy of the same was not furnished to the petitioner and in such a circumstance, the ultimate conclusion arrived at by the District Collector cannot be sustained. The learned Judge, after finding that the petitioner was given a show-cause notice wherein the Revenue Divisional Officer's report was relied on and the petitioner had not asked for a copy of the report when he submitted his written objections, dismissed the writ petition filed by the petitioner. Questioning the same, the present writ appeal has been filed.

5. We verified the order of the District Collector in ந.க.149342/92,ஒ/3, dated 25.3.1999. Even according to the learned Judge, in the show-cause notice issued by the District Collector there is a specific reference to the report of the Revenue Divisional Officer. In other words, it is not in dispute that the District Collector, while arriving at a conclusion, relied on the report of the Revenue Divisional Officer. In such a circumstance, we are of the view that the petitioner is entitled to a copy of the said report before submitting his explanation. The conclusion arrived at by the learned Judge that the petitioner had not asked for a copy of the report is not a valid ground when the District Collector very much relied on the said report and cancelled the community certificate issued in favour of the petitioner. It is not disputed by the respondents that the petitioner is entitled to a copy of the report of the Revenue Divisional Officer [vide: Illamaran,D. v. Govt. of India (1996 WLR 482) and the unreported judgment of this Court dated 31.1.2000 in W.P.No.20883/92, etc. batch, delivered by one of us (P.SATHASIVAM,J.)].

6. In the light of what is stated above, the order of the learned Single Judge dated 26.4.2000 made in W.P.No.2745 of 2000 is set aside.

7. It is brought to our notice by the learned Government Advocate that the Government has constituted a District Vigilance Committee in G.O.(Ms.) No.111, Adi Dravidar and Tribal Welfare (ADW-10) Department dated 6.7.2005 for verification of community certificates issued to Scheduled Caste/Scheduled Tribe. In view of the same, the District Vigilance Committee is directed to consider the genuineness/validity of the community certificate issued to the petitioner by the Tahsildar, Coimbatore South in Va.No.1834 dated 14.7.1992 and take a decision in one way or the other within a period of four months from the date of receipt of copy of the order after affording an opportunity to the petitioner. We clarify that the District Vigilance Committee shall pass orders on merits without

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reference to the findings/observations made by the learned Single Judge.

The writ appeal is allowed on the above terms. No costs.

na.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to the
   Government of Tamilnadu
   Adi Dravidar & Tribal Welfare Dept.,
   Fort St. George, Chennai-9.

2. The Collector,
   Coimbatore District,
   Coimbatore

3. The Secretary,
   District Vigilance Committee,
   Coimbatore.

+ 1 cc to Mr. M. Jayaraman, Advocate SR No.14329

+ 1 cc to the Government Pleader SR No.14606

JRG(CO)
SR/10.4.2006

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